

June 1, 2010

Subject: Negotiated Rulemaking - Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater, Docket No. 58-0117-1001

After reviewing the proposed changes included in the Class B tables provided for review by DEQ, we have some concerns related to how turbidity limits appear to have impacted specific Class B allowable uses. We understand that three options are under consideration:

- 2 NTU 24-hour mean, not to exceed; 5 NTU maximum in any sample; acceptable for use on edible food crops, including all edible root crops (Current Standard)
- 5 NTU 24-hour mean, not to exceed; 10 NTU maximum in any sample; not acceptable for use on edible food crops (Higher Turbidity Limits Table)
- No turbidity limit; not acceptable for use on edible food crops (No Turbidity Limits Table)

We do not fully understand why the Class B beneficial use related to food crops changed when the disinfection standard of 2.2 total coliform did not change. The change assumes that turbidity will impact the beneficial use related to food crops, but there appears to be a disconnect since the disinfection standards are the same.

The potential implications for not allowing food crop irrigation using Class B water are significant. Many communities in Idaho discharge directly or indirectly to irrigation canals or drains. Previous discussions with irrigation districts and their attorneys' indicate the general feeling is that receiving or conveying Class B water in the canal/drain systems, with associated allowable beneficial use for irrigating food crops, is by and large acceptable. However, if Class B is not allowed for food crop irrigation under the rules, irrigation entities could argue that Class B water entering their system is a liability to them since they could deliver water to users that will be raising food crops. If a community is forced to produce Class A water to discharge into an irrigation system, or find an alternate disposal method, the financial burden could be extensive.

We request consideration be taken to either allow food crop irrigation using Class B water under one of the proposed revised turbidity standards (again, disinfection standards remain unchanged) as previously allowed, or the turbidity standards remain in their current form, assuming food crop irrigation will remain as an allowable use.

Sincerely,



Stuart Hurley, P.E.
Project Manager